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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/016,001

12/10/2001

Ynjiun P. Wang

T075A

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06/06/2005

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EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,001

Applicant(s)

WANG ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____



DETAILED ACTION

Response to Arguments

1. In view of the Reply Brief filed on March 22, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-3 and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al (U.S. Patent No. 5,978,773) in view of Barnett et al (U.S. Patent No. 6,336,099).

As to claims 1 and 3, Hudetz et al disclose:

Providing the customer with a bar code symbol reader (Col. 5, lines 1-5).

Scanning a uniform product code (UPC) bar code symbol (col. 8, lines 38-43); and

Providing an associated table in a database between the UPC symbol data and an Internet web site address affiliated with the product manufacturer (col. 7, lines 17-28 and Col. 7, lines 64 through col. 8, line 10);

Providing the associated web site address to a remote computing device of the consumer for allowing the consumer to make a product information inquiry to said web site address (e.g., displaying a web page having a URL for the user to click on to make a product inquiry)(Col. 7, lines 45-57).

Hudetz et al do not explicitly disclose providing demographic information about the consumer to the product manufacturer by utilizing the information inquiry. Barnett et al in the same field of endeavor, discloses the concept of providing a user's demographic data to a retailer/manufacturer (col. 9, line 34 through col. 11 line 44), which reads on "providing demographic information about the consumer to the product manufacturer by utilizing data packet information transferred to the manufacturer as a result of the information inquiry". It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Dialog. A person having ordinary skill in the art would have been motivated to use such combination in order to obtain valuable information for use in marketing analysis (col. 9, lines 47-50).

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As per claim 2, Hudetz et al disclose the bar code reader being provided at the user's terminal (see figure 1).

As per claims 16 and 21, Hudetz et al disclose:

Scanning identifying indicia on a product with a barcode (UPC) bar code symbol (col. 8, lines 38-43); and

Determining at least one web site address affiliated with the scanned product utilizing a Mapping Service Provider (See figure 8 element 224; col. 9, lines 14-22).

Providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (See figure 3, element 92 and col. 9, lines 54-64).

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer by utilizing information transferred within the web page request. Barnett et al in the same field of endeavor, discloses the concept of providing a user's demographic data to a retailer/manufacturer (col. 9, line 34 through col. 11 line 44), which reads on "transmitting demographic information about the consumer to the product manufacturer by utilizing information transferred within the web page request". It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Barnett. A person having ordinary skill in the art would have been motivated to use such combination in order to obtain valuable information for use in marketing analysis (col. 9, lines 47-50).

As per claim 17, Hudetz et al further disclose wherein the identifying indicia is a uniform product code (UPC) (col. 6, lines 15-20).

As per claim 18, Hudetz et al further disclose wherein the Mapping Service Provider (MSP) employs a mapping function to match identifying indicia to a web site address from among a list of identifying indicia and web site address mappings residing in a storage device (col. 7, lines 29-42; col. 8, lines 47-63; col. 9, lines 5-13).

As per claim 19, Hudetz et al further disclose wherein the web page includes at least one link to a related web page (col. 9, lines 14-22).

As per claim 20, Hudetz et al show the domain name for the links. Thus, it infers that the domain name goes through a domain name server to translate it into the proper numerical addressing sequence use by the Internet (See figure 4; and col. 5, lines 55-65).

As per claims 22-23, Hudetz et al disclose:

Scanning identifying indicia on a product with a barcode (UPC) bar code symbol (col. 8, lines 38-43); and

Determining at least one web site address affiliated with the scanned product utilizing a Mapping Service Provider (See figure 8 element 224; col. 9, lines 14-22).

Providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (See figure 3, element 92 and col. 9, lines 54-64).

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer by utilizing information transferred within the web page request. Barnett et al in the same field of endeavor, discloses the concept of providing a user's demographic data to a retailer/manufacturer (col. 9, line 34 through col. 11 line 44), which reads on "transmitting demographic information about the consumer to the product manufacturer by

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utilizing information transferred within the web page request". It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Barnett. A person having ordinary skill in the art would have been motivated to use such combination in order to obtain valuable information for use in marketing analysis (col. 9, lines 47-50).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al and Dialog as applied to claim 1 above, and further in view of Kaplan (U.S. Patent No. 5,963,916).

As per claim 4, the combination of Hudetz et al and Dialog does not explicitly disclose providing targeted e-mails to the consumer for product announcements by the manufacturer. Kaplan on the other hand, discloses sending a product notification to a user. Note column 16, lines 16-26. It would have been obvious to a person of ordinary skill in the art to modify Hudetz et al and Powell by including an e-mail notification as taught by Dialog. The motivation being to encourage a user to purchase certain desired products from the manufacturer thereby increasing marketing sales for the manufacturer.


ROMAIN JEANTY
PRIMARY EXAMINER
Art Unit 3623